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IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SECURITY COUNCIL
Fifty-fifth year

Letter dated 7 March 2000 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary-General

I have the honour to transmit to you a memorandum by the Frente POLISARIO to the members of the General Assembly and to the members of the Security Council on the question of Western Sahara (see annex) and I should be grateful if you would have it circulated as a document of the General Assembly, under item 18 of the preliminary list, and of the Security Council.

(Signed) Martin ANDJABA
Ambassador and
Permanent Representative

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Annex

Memorandum of the Frente POLISARIO

The question of Western Sahara is a decolonization problem, which comes under the jurisdiction of General Assembly resolution 1514 (XV). In that framework, both the Organization of African Unity (OAU) and the United Nations have, in numerous resolutions, strongly reaffirmed the legitimate and inalienable right of the Saharawi people to self-determination and independence.

The violation of these fundamental rights led to over 16 years of war between the POLISARIO Front and Morocco, which invaded the Territory in defiance of United Nations resolutions, the verdict of the International Court of Justice (16 October 1975) and the recommendations of the United Nations fact-finding mission (14 October 1975).

In accordance with the mandate clearly defined by the General Assembly in its resolution 40/50, the Secretary-General, in consultation with OAU and the two parties, worked out a settlement plan which was endorsed by the Security Council in resolutions 658 (1990) and 690 (1991). The objective of this plan is to allow the people of Western Sahara to choose between independence and integration into Morocco through a free, fair and impartial referendum on self-determination organized and supervised by the United Nations in cooperation with OAU.

It is in this context that MINURSO began the implementation of the settlement plan in 1991. This stipulated particularly the cessation of hostilities, compilation of a voters register on the basis of the 1974 Spanish census and a six-month transitional period followed by the referendum itself.

Since 6 September 1991, a ceasefire is observed in the Territory as an integral and inseparable part of the settlement plan.

The referendum was scheduled for January 1992. However, its holding was blocked by the definition of the electoral body and other difficulties. Nevertheless, the Secretary-General has been able to overcome those difficulties thanks to the support of the Security Council and the cooperation of the parties:

- There was the case of the identification criteria for candidates for the referendum, which, from a single criterion (Spanish census of 1974) contained in the settlement plan, was expanded to five criteria at Morocco's insistence. Sustained efforts, particularly by the Secretary-General, have allowed, however, the conclusion of a compromise accepted by the parties which cleared the way for the launching of the identification process in August 1994.

- There was also the case of the status-of-forces agreement, the draft of which was simultaneously handed over to Morocco, Algeria and Mauritania in March 1998. The latter two countries signed the agreement with the Secretariat on 3 and 20 November 1990,

respectively. Morocco multiplied obstacles and hesitations. The determination of the Secretary-General and the Security Council made it possible to overcome this attitude, and the Moroccan Government was brought to sign this important accord on 11 February 1991.

- Then came the question of the preparatory work for the repatriation of the refugees, where, after long negotiations, UNHCR was able to obtain Moroccan cooperation to formalize its presence in the Territory and the cooperation of the POLISARIO to conduct the pre-registration of the Saharawi refugees. This operation, which affected more than 100,000 refugees, has been successfully completed, as stated by the Secretary-General (S/2000/131 of 17 February 2000, para. 13).

- Finally and more importantly, there is the question of the identification of the contested tribes H41, H61 and J51/52. According to the Spanish census, there were 603 people belonging to these groups (S/1998/404, para. 5). Morocco presented to MINURSO more than 65,000 applicants and that led to the interruption of the identification operation in December 1995. However, following the compromise formula worked out by James Baker (Houston Accords) and by the Secretary-General (package deal of October 1998), this complex problem was overcome thanks to the initiative of the United Nations. The identification of these tribes was carried out by MINURSO and the results (4 per cent accepted as voters) demonstrate the rightful position of the POLISARIO regarding the belonging of these tribes to the Territory.

This is to say that all the obstacles and difficulties that have been hindering the implementation of the settlement plan have, to date, been resolved thanks to the determination of the Secretary-General and the support of the Security Council.

The accomplishment of the identification operation is a major achievement on the way to the referendum. The process is facing today a new problem, the nature and scope of which does not differ from those already resolved by the United Nations. The large number of appeals lodged by Morocco, clearly, is aimed at scuttling the process or at least postponing its conclusion.

Nevertheless, the POLISARIO considers that this new problem, however difficult and complex it might be, should and could be resolved. It could have been, and still can be, resolved through faithful and honest implementation of the May 1999 protocols, which were concluded by the two parties with the United Nations, and in conformity with Council resolutions 1238 (1999) and 1263 (1999). Those resolutions warn that the appeal process should not turn into a new round of identification.

It is difficult then to understand the reasons why not only the major problem - the issue of the appeals - was completely ignored in the latest report (S/2000/131) but also problems that were resolved many years ago are now being resurrected. Instead of dealing with the current obstacles, a pessimistic analysis of the implementation of the peace process was presented at the moment

when, ironically, a great progress - the completion of the identification - has been achieved.

The commitment of the international community to the referendum and these achievements have allowed the consolidation of the ceasefire as well as security and stability in the region, and have fed real hopes for a lasting peace.

The United Nations can be legitimately proud of these achievements and hopes and it should give them a greater importance. Their preservation requires that an ultimate effort be undertaken by the international community to organize a free and fair referendum in Western Sahara as soon as possible.

The POLISARIO Front reaffirms its full attachment to the implementation of the settlement plan and its commitment to cooperating with the United Nations for the holding of the referendum, which remains the only way, accepted by the two parties and by the international community, for a just and lasting solution to the conflict and, by extension, to the decolonization of Western Sahara.